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NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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WATER RESOURCES DEPARTMENT
(VIG.II-V&E.2)

Memo No.5394 / Vig.II (V&E-2) / 2011.

Dated: 30-03-2021.

ALLEGATIONS OF IRREGULARITIES AND SUBSTANDARD QUALITY OF WORK IN EXECUTION OF LINING WORKS OF THANDAVA MEDIUM IRRIGATION PROJECT IN VISAKHAPATNAM DISTRICT - DISAGREEMENT FACTORS COMMUNICATED - EXPLANATIONS CALLED FOR.

Ref	1. G.O.Rt.No.347, Water Resources (Vig.II (V&E-2)) Dept, Dated:07.07.2017.
	2. From the CE, North Coast, Visakhapatnam and Inquiring Authority, Letter No.CE/NC VSP/Supdt./SA.2/3C, Dated:23.10.2020.
	3. Government Observations.

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While enclosing the Inquiry report and disagreement factors of the Government in the references 2nd and 3rd cited, the following three (3) Charged Officers are directed to submit their explanations, if any, within (15) days from the date of receipt of this memo. If no explanation is received within the stipulated time, it will be construed that they have no explanation to submit and further action will be taken based on the material available on record.

Sl.No.	Name of the Charged Officer
1	Sri K.B.R. Prasad Reddy, the then Executive Engineer and now Joint Secretary to Govt. (Retd)
2	Sri K.Venu Gopal, the then Assistant Engineer, now Deputy Executive Engineer(Rtd)
3	Sri D. Kasi Visweswara Rao, the then Deputy Executive Engineer, now Chief Engineer (Retd)

The receipt of this Memo. should be acknowledged in the first instance.

SYAMALA RAO JAMJAM,
Secretary To Government.

To

The individuals through the Engineer-in-Chief (AW), Water Resources Department, Vijayawada (w.e.).

Government observations:

It is desired to offer remarks on the findings of the Inquiry authority.

Please peruse the inquiry report. The charges framed against the charged officers, assessment and findings of the IO and chief technical examiner remarks are tabulated below.

Article of Charge-I

Recommended/recorded/check measured for payment sub-standard cement concrete lining in LMC&TEBC of RMC of Thandava Reservoir Project which is liable for rejection. Thus he has committed misconduct.

Name of the Officers :-

(a) Sri K.B.R.Prasad Reddy

(b) Sri K. Venugopal

(c) Sri D. Kasi Visweswara Rao

Findings and Analysis of Inquiry Authority :-

Common analysis for all the charged officers :-

As per the agreement, both department and contractor are responsible for quality construction of the work.

The field engineers have to maintain the quality control field registers for the work.

As per the conditions of the agreement it is the responsibility of the contractor to show proof owing quality laboratory or having tie up with an established quality laboratory. The charged officer has made correspondence with the contractor, pressing him to provide quality control laboratories. It was revealed from the correspondence made with the agency that, the agency did not establish quality control laboratory for the work.

The charged officer has addressed the quality control engineer to exercise their quality control checks and quality control engineers have inspected the work.

As verified, the concerned placement registers maintained by the field staff have signatures of both construction engineers and quality control wing engineers. It was established that the work was verified by the concerned quality control wing at frequent intervals.

The field engineers under his control have sent the materials to the Andhra University, Visakhapatnam for conducting requisite tests required for construction of the work.

The charged officer has made all efforts and he has done at his level best though the contractor had failed in fulfilling his responsibility of providing quality control laboratories in which concrete core testing apparatus is to be made available as per the condition of the agreement. As the contractor violated the conditions of the agreement by not providing the same, the charged officer had opted for preferring the bills based on the quality control certificate furnished by the quality control engineers.

In view of the above, the deficiencies found in the core strength of the concrete could not be attributed to the charged officer.

Hence, the charge is held as "Not Proved".

Additional findings on Sri D. Kasi Visweswara Rao :-

After all efforts made by the charged officer with the agency and due to in action of the agency to establish to show proof of owing the quality control laboratory, the charged officer has relied on the quality control checks made by the quality control engineers as well as taking into account of the quality control certificates furnished by them and preferred the bills.

The charged officer opted to submit the bills duly withholding certain percentage of measured quantities in the M-book. The amount so withhold has to be released only after rectifying the defects to the satisfaction of the concerned officers.

The charged officer has also addressed the Executive Engineer requesting to direct the contractor for taking necessary steps for providing core strength of the concrete.

In view of the above, the charged officer has made all efforts and he has done at his level best though the contractor had failed in fulfilling his responsibility of providing concrete core testing apparatus as per the condition of the agreement besides making correspondence with the contractor, pressing him to fulfill the condition of providing core testing apparatus as per the conditions of the agreement. As the contractor violated the conditions of the agreement by not providing the same, the charged officer had opted

for preferring the bills based on the quality control checks made by the quality control engineer and quality control certificate furnished by them besides proposing with held amounts for certain percentage of measured quantities in the M-Books. He had also brought the bottlenecks to the higher officer.

In view of the above, the deficiencies found in the core strength of the concrete could not be attributed the charged officer.

Hence, the charge is held as "Not Proved".

Findings of Inquiry authority :-

Not Proved against all the charged officers.

Chief Technical Examiner Remarks :-

In respect of Sri K.B.R. Prasada reddy and Sri K.venugopal :-

- 1) The charged officers in their written statement have contended that "the process of lining involves pouring of concrete from the top of the bund to the bed level of the canal, which generally causes segregation of the coarse aggregate in the concrete. This situation cannot be avoided in any process of lining and it generally results in failure of core samples when extracted in the mid height of the sloping surface. The failure is not due to any intentional omissions and not due to any allowing of substandard work of lining. The thickness of lining is to be considered only on the average basis without any tolerance limits. The loss of strength is very likely due to segregation of the materials, which is not intentional. The cement content, if tested would have given positive results. An amount of Rs. 22,37,468/- was recovered from the bills of the agency is not yet released because the agency has not rectified the lapses pointed out by the V&E officers. The lining work was still intact even today i.e., even after lapse of 10 years from the date of completion of work".
- 2) But the Inquiry Officer has made his analysis that the charged officers could not be able to conduct quality tests because the agency has not established Quality lab and made his findings.
- 3) The Inquiry officer has not made efforts to ascertain about the quality of concrete executed by the charged officers as on date.
- 4) If the contractor has not established quality laboratory or having tie up with an established quality laboratory, the charged officers might have initiated action on the contractor as per agreement conditions before starting the concreting.
- 5) The V&E report also confirms satisfaction about thickness of concrete executed by the charged officers except in reach at L/s and R/s slopes from km 14.975 to Km 15.800, but out of 18 core samples collected by V&E only two core have revealed satisfactory results in its compressive strength.
- 6) The contention of the charged officers that the loss of strength is very likely due to segregation of the materials may be a reason for failure of cores in some of the cores, but in the present case 16 cores out of 18 core samples, have failed to exhibit the

required strength as per IS 456:2000 by a large margin . Hence the finding of Inquiry Officer cannot be accepted.

In respect of Sri D. Kasi Visweswara Rao :-

1) The charged officer contended that

(a) As per the agreement conditions, the contractor had to establish Quality Control laboratory consisting of testing apparatus and lab technicians for verifying the quality of work. But the contractor has not established the same.

(b) Even though the work was executed under the close supervision of our departmental staff, the concrete strength could not be tested departmentally, as the contractor has not established the laboratory.

(c) In spite of repeated reminders, the contractor has carried out the earth work part only, rather laying lining concrete.

(d) The work bills were not submitted by me as the work quality was not checked as the contractor has not established the laboratory.

(e) The contractor was clarified that the bills would be submitted by me only after getting the quality tests conducted. Number of notices was served on the agency.

(f) The Superintending Engineer has conducted review meeting and to resolve the issue, suggested to make payment for the earth work up to 1 Km ahead of lining work.

(g) But the contractor has taking the advantage of the orders in other sense, commenced earth work in entire Thandava canal net-work i.e., in two main canals and 6 distributaries and started insisting for payment towards the earth work exclusively, stating in a litigant way that only one Km of earth work was covered in each canal.

(h) Bills were submitted to the Division Office clearly certifying in the concerned M-books stating that necessary quality tests were not conducted due to which 10 to 25 % of amount was proposed to be with held on various items of work.

(i) Subsequent of my transfer, the said with held amount was released to the contractor.

(j) The lining work was still intact even today i.e., even after lapse of 10 years from the date of completion of work.

2) The Inquiry authority has not made efforts to ascertain about the quality of concrete executed by the charged officers as on date.

3) If the contractor has not established quality laboratory or having tie up with an established quality laboratory, the charged officer might have initiated action on the contractor as per agreement conditions before starting the concreting. The CO himself has accepted that bills were preferred without QC checks which is not in order. However the charged officer has contended that he has made all the efforts at his level to establish quality lab by the agency based on which the Inquiry Officer has made his findings. But the required documents to ascertain about the action taken by the charged officer as reported in his WSDs are not available in the file either with the WSD or with Inquiry report. Hence the finding of the Inquiry Officer cannot be accepted.

Article of Charge-II

Taken up restoration of 5 system fed tanks under Thandava Reservoir Project by the agency executing the project works without prior approval of the competent authority nor any instructions from the ENC Med. Irrigation who is the estimate sanctioning authority. This amounts to misconduct.

Article of Charge —III:

Executed and recorded for payment of the work of restoration of system fed tanks without obtaining prior approval. He did not attempt to regularize the same by incorporating in the deviation proposals approved by ENC. This amounts to misconduct.

Name of the Officers :-

- (a) Sri K.B.R.Prasad Reddy
- (b) Sri K. Venugopal
- (c) Sri D. Kasi Visweswara Rao

Findings and Analysis of Inquiry Authority :-**Common Analysis on both the charges :-**

- (i) Sri K.B.R.Prasad Reddy and Sri D. Kasi Visweswara Rao

The item of improvement of system fed tanks, initially was not covered in the sanctioned estimate. But during execution of the work, the demand for restoration of system fed tanks under the project was received from the public representatives and concerned ayacutdars. The charged officer has stated that it was brought to the notice of the Engineer-in-Chief (Medium Irrigation) during his inspection of the works, with regards to the issue of taking up the works of restoration of five system fed tanks under the project. The inspection notes was not found in this regard. The charged officer has stated that as per the oral instructions of the Engineer-in-Chief given during inspection, the works of restoration of system fed tanks were taken up.

Subsequently, the said deviations were incorporated in the revised estimate. In the revised estimate, it was found that, it was not mentioned specifically either in the report accompanying or in the enclosed statements of the revised estimate exhibiting the deviations in quantities separately for proposed works of restoration of system fed tank. These quantities involved in restoration of system fed tanks were incorporated in the quantities of similar items of sanctioned estimate and were got approved from the Engineer-in-Chief (Medium Irrigation) who was the competent authority to be approved the same.

As the matter was brought to the notice of the Engineer-in-Chief (Medium Irrigation) during the inspection of the work and as per the oral instructions to take action to restore five system fed tanks and subsequently, the said deviations were incorporated and admitting the said deviations were also approved, the action taken by the charged officer that the works were taken up without prior approval of the competent authority nor any instructions from the Engineer-in-Chief (Medium Irrigation) who is the estimate sanction authority does not arise.

Hence, the charge is held as "Not proved".

(ii) Sri B. Venugopal :-

The charged officer, in his defense statement along with evidences produced has stated that he did not take up any works of restoration of system fed tanks. The Superintending Engineer, Irrigation Circle, Visakhapatnam and presenting officer has also reported that the said works were executed and recorded by the Assistant Engineer other than the charged officer. As verified it was found that the charged officer has not executed and recorded the work.

As the charged officer was not involved in execution and recording of the works of the improvements to five system fed tanks, the action to be taken by the charged officer that the works were taken up without prior approval of the competent authority nor any instructions from the Engineer-in-Chief (Medium Irrigation) who is estimate sanction authority does not arise.

Therefore, the content of the charge levied against the charged officer does not find any valid ground for confirmation.

Hence, the charge is held "Not proved".

Findings of Inquiry authority :-

Not Proved against all the charged officers.

Chief Technical Examiner Remarks :-

(a) The findings of Inquiry Officer in respect of Sri B. Venugopal can be accepted in charge II & III as the officer did not execute the work, as per findings of Inquiry report.

(b) In respect of Sri K.B.R.Prasad Reddy and Sri D. Kasi Visweswara Rao though the said deviations were incorporated and were approved in the revised estimate in the later stage, it was not mentioned specifically either in the report accompanying or in the enclosed statements of the revised estimate exhibiting the deviations in quantities separately for proposed works of restoration of system fed tank. The charged officers might have taken written instructions or approval in the deviation proposals dated 16.12.2009 duly incorporating the above deviations from the competent authority. Hence there is a procedural lapse in both charges II & III.

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